

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

In re:

KAREN JUNE SCRUGGS and
THOMAS HERBERT SCRUGGS,

Debtors.

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Bankruptcy Petition No. 02-20978

KAREN JUNE SCRUGGS,

Appellant,

vs.

DONNA LOWMAN,

Appellee.

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Civil Action No. 05-409 and
Civil Action No. 05-405

ORDER CONSOLIDATING ACTIONS

On July 7, 2005, the Honorable Richard Schmidt of the United States Bankruptcy Court for the Southern District of Texas issued two orders—Order Granting Summary Judgment and Order Compelling Distribution of Funds and Accounting—in a bankruptcy proceeding, Petition No. 02-20978. The two orders resulted in two separate bankruptcy appeals before this Court: Karen June Scruggs v. Donna Lowman, Action No. 05-409, and Karen June Scruggs v. Donna Lowman, Action No. 05-405.

The two bankruptcy appeals involve identical parties and common questions of law and fact. Additionally, consolidation of them will not deny any of the parties the right to litigate the merits of her claims. See Allison v. Citgo Petroleum Corp., 151 F.3d 402, 425 n.24 (5th Cir. 1998).

Therefore, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the Court hereby CONSOLIDATES the two bankruptcy appeals and assigns Karen June Scruggs v. Donna Lowman, Action No. 05-409, as the lead case, and Karen June Scruggs v. Donna Lowman, Action No. 05-405, as a member case. The caption of both cases will be realigned to conform to the above-styled caption.

SIGNED and ENTERED on the 2nd day of November, 2005.

A handwritten signature in black ink, reading "Janis Graham Jack", written over a horizontal line.

Janis Graham Jack

United States District Judge